TITLE 44—PUBLIC PRINTING AND DOCUMENTS

This title was enacted by Pub. L. 90-620, § 1, Oct. 22, 1968, 82 Stat. 1238

Chap.		Sec.
22.	Presidential Records	2201
[27.	Repealed.]	

AMENDMENTS

1978—Pub. L. 95-591, § 2(b)(1), Nov. 4, 1978, 92 Stat. 2528, added chapter 22.

Pub. L. 95-378, § 2(b), Sept. 22, 1978, 92 Stat. 723, struck out chapter 27 "Federal Records Council".

CHAPTER 1—JOINT COMMITTEE ON PRINTING

§ 101. Joint Committee on Printing: membership

SHORT TITLE OF 1978 AMENDMENT

Pub. L. 95-591, § 1, Nov. 4, 1978, 92 Stat. 2523, provided: "That this Act [enacting sections 2201 to 2207 of this title, amending sections 2107 and 2108 of this title, and enacting provisions set out as notes under section 2201 of this title] may be cited as the 'Presidential Records Act of 1978'."

§ 103. Joint Committee on Printing: remedial powers

PROCUREMENT OF SERVICES OF CONSULTANTS

Repealed by Pub. L. 95-94, title I, § 115, Aug. 5, 1977, 91 Stat. 669.

CHAPTER 3—GOVERNMENT PRINTING OFFICE

§ 308. Disbursing officer; deputy disbursing officer; certifying officers and employees

[*See main edition for text of (a) and (b)*]

(c)(1) The Public Printer may designate in writing officers and employees of the Government Printing Office to certify vouchers for payment from appropriations and funds. Such officers and employees shall (A) be responsible for the existence and correctness of the facts recited in the certificate or other voucher or its supporting papers and for the legality of the proposed payment under the appropriation or funds involved, (B) be responsible and accountable for the correctness of the computations of certified vouchers, and (C) be accountable for, and required to make restitution to, the United States for the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate made by him, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved. However, the Comptroller General of the United States, may, at his discretion, relieve such certifying officer or employee of liability for any payment otherwise proper whenever he finds that (i) the certification was based on the offcial records and that such certifying officer or employee did not know, and by reasonable diligence and inquiry could not have ascertained, the actual facts, or (ii) when the obligation was incurred in good faith, the payment was not contrary to any statutory provision specifically prohibiting payments of the character involved, and the United States has received value for such payment. The Comptroller General shall relieve such certifying officer or employee of liability for an overpayment for transportation services made to any common carrier covered by section 244 of title 31, whenever he finds that the overpayment occured solely because the administrative examination made prior to payment of the transportation bill did not include a verification of transportation rates, freight classifications, or land grant deductions.

[*See main edition for text of (2)*]

(As amended Pub. L. 95-473, § 2(a)(5), Oct. 17, 1978, 92 Stat. 1466.)

AMENDMENTS

1978—Subsec. (c)(1). Pub. L. 95-473 substituted "section 244 of title 31" for "section 66 of title 49".

§ 309. Revolving fund for operation and maintenance of Government Printing Office: capitalization; reimbursements and credits; accounting and budgeting; reports

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1509 of this title.

CHAPTER 5—PRODUCTION AND PROCUREMENT OF PRINTING AND BINDING

Sec.
505. Sale of duplicate plates.

AMENDMENTS

1976—Pub. L. 94-553, § 105(a)(2), Oct. 19, 1976, 90 Stat. 2599, in item 505 struck out "; copyright" following "plates".

§ 505. Sale of duplicate plates

The Public Printer shall sell, under regulations of the Joint Committee on Printing to persons who may apply, additional or duplicate stereotype or electrotype plates from which a Government publication is printed, at a price not to exceed the cost of composition, the metal, and making to the Government, plus 10 per centum, and the full amount of the price shall be paid when the order is filed.

(As amended Pub. L. 94-553, § 105(a)(1), Oct. 19, 1976, 90 Stat. 2599.)

AMENDMENTS

1976—Pub. L. 94-553 struck out provision that a publication could not be copyrighted if it was reprinted from additional or duplicate plates purchased from the government from which government publications had been printed or if it was reprinted from other government publications.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-553 effective Jan. 1, 1978, see section 102 of Pub. L. 94-553, set out as an Effective Date note preceding section 101 of Title 17, Copyrights.

CHAPTER 7—CONGRESSIONAL PRINTING AND BINDING

§ 721. Congressional Directory

(a) There shall be prepared under the direction of the Joint Committee on Printing (1) a Congressional Directory, which shall be printed and distributed as early as practicable during the first session of each Congress and (2) a supplement to each Congressional Directory, which shall be printed and distributed as early as practicable during the second regular session of each Congress. The Joint Committee shall control the number and distribution of the Congressional Directory and each supplement.

(b) One copy of the Congressional Directory delivered to Members of the Senate and the House of Representatives (including Delegates and the Resident Commissioner) shall be bound in cloth and imprinted on the cover with the name of the Member. Copies of the Congressional Directory delivered to depository libraries may be bound in cloth. All other copies of the Congressional Directory shall be bound in paper and names shall not be imprinted thereon, except that copies printed for sale under section 722 may be bound in cloth.

(As amended Pub. L. 95-94, title IV, § 404, Aug. 5, 1977, 91 Stat. 682.)

AMENDMENTS

1977—Pub. L. 95-94 designated existing provisions as subsec. (a) and, in subsec. (a) as so designated, substituted provisions relating to distribution of initial and supplementary Directories for provisions requiring preparation of three editions of the Directory during the first session of each Congress and two editions during each second regular session of Congress, struck out provisions relating to the distribution of the first edition and provisions relating to cloth binding for copies delivered to Senators and Representatives, and added subsec. (b).

§ 722. Congressional Directory: sale

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 721 of this title.

CHAPTER 9—CONGRESSIONAL RECORD

§ 906. Congressional Record: gratuitous copies; delivery; subscriptions

The Public Printer shall furnish the Congressional Record only as follows:

of the bound edition—

to the Senate Service Department five copies for the Vice President and each Senator;

to the Secretary and Sergeant at Arms of the Senate, each, two copies;

to the Joint Committee on Printing not to exceed one hundred copies;

to the House of Representatives Publications Distribution Service, three copies for each Representative and Resident Commissioner in Congress; and

to the Clerk, Sergeant at Arms, and Doorkeeper of the House of Representatives, each, two copies;

of the daily edition—

to the Vice President, one hundred copies;

to each Senator, fifty copies (which may be transferred only to public agencies and institutions);

to the Secretary and Sergeant at Arms of the Senate, each, twenty-five copies;

to the Secretary, for official use, not to exceed thirty-five copies; and

to the Sergeant at Arms for use on the floor of the Senate, not to exceed fifty copies;

to each Member of the House of Representatives, the Resident Commissioner from Puerto Rico, the Delegate from the District of Columbia, the Delegate from Guam, and the Delegate from the Virgin Islands, thirty-four copies (which may be transferred only to public agencies and institutions);

to the Clerk, Sergeant at Arms, and Doorkeeper of the House of Representatives, each, twenty-five copies;

to the Clerk, for official use, not to exceed fifty copies, and to the Doorkeeper for use on the floor of the House of Representatives, not to exceed seventy-five copies;

to the Vice President and each Senator, Representative, and Resident Commissioner in Congress (and not transferable) three copies of which one shall be delivered at his residence, one at his office, and one at the Capitol.

In addition to the foregoing the Congressional Record shall also be furnished as follows:

[See main edition for particular distribution listing]

Copies of the daily edition, unless otherwise directed by the Joint Committee on Printing, shall be supplied and delivered promptly on the day after the actual day's proceedings as originally published. Each order for the daily Record shall begin with the current issue, if previous issues of the same session are not available. The apportionment specified for daily copies may not be transferred for the bound form and an allotment of daily copies not used by a Member during a session shall lapse when the session ends.

(As amended Pub. L. 95-94, title IV, § 407(a), Aug. 5, 1977, 91 Stat. 683.)

AMENDMENTS

1977—Pub. L. 95-94 substituted "to the Vice President, one hundred copies; to each Senator, fifty copies (which may be transferred only to public agencies and institutions);" for "to the Vice President and each Senator, one hundred copies:" and "to each Member of the House of Representatives, the Resident Commissioner from Puerto Rico, the Delegate from the District of Columbia, the Delegate from Guam, and the Delegate from the Virgin Islands, thirty-four

copies (which may be transferred only to public agencies and institutions);" for "to each Representative and Resident Commissioner in Congress, sixty-eight copies".

EFFECTIVE DATE OF 1977 AMENDMENT

Section 407(b) of Pub. L. 95-94 provided that: "The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1977."

CHAPTER 13—PARTICULAR REPORTS AND DOCUMENTS

§ 1306. Civil Service Commission: report

TRANSFER OF FUNCTIONS

All functions vested by statute in the United States Civil Service Commission were transferred to the Director of the Office of Personnel Management (except as otherwise specified) by Reorg. Plan No. 2 of 1978, § 102, 43 F.R. 36037, 92 Stat. 3784, set out under section 1101 of Title 5, Government Organization and Employees, effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

§ 1317. Foreign Relations

PUBLICATION OF "FOREIGN RELATIONS OF THE UNITED STATES" AT CONTINUING HIGH STANDARD OF DOCUMENTATION

Pub. L. 95-426, title I, § 120, Oct. 7, 1978, 92 Stat. 970, provided that:

"(a) The Congress finds that the Department of State publication 'Foreign Relations of the United States' plays an important role in making the documentary record of United States foreign relations available to the Congress and the American public.

"(b) The Secretary of State shall therefore insure that publication of the 'Foreign Relations of the United States' volumes is continued in such a manner as will maintain the high standard of comprehensive documentation already established by past volumes."

CHAPTER 15—FEDERAL REGISTER AND CODE OF FEDERAL REGULATIONS

Sec.
1509. Costs of publication, etc.

AMENDMENTS

1977—Pub. L. 95-94, title IV, § 408(a)(2), Aug. 5, 1977, 91 Stat. 683, substituted "Costs of publication, etc." for "Cost of publication; appropriations authorized; penalty mail privilege" in item 1509.

§ 1503. Filing documents with Office; notation of time; public inspection; transmission for printing

The original and two duplicate originals or certified copies of a document required or authorized to be published by section 1505 of this title shall be filed with the Office of the Federal Register, which shall be open for that purpose during all hours of the working days when the National Archives Building is open for official business. The Administrator of General Services shall cause to be noted on the original and duplicate originals or certified copies of each document the day and hour of filing. When the original is issued, prescribed, or promulgated outside the District of Columbia, and certified copies are filed before the filing of the original, the notation shall be of the day and hour of filing of the certified copies. Upon filing, at least one copy shall be immediately available for public inspection in the Office. The original shall be retained by the General Services Administration and shall be available for inspection under regulations prescribed by the Administrator, unless such original is disposed of in accordance with disposal schedules submitted by the Administrative Committee of the Federal Register and authorized by the Administrator pursuant to regulations issued under chapter 33 of this title; however, originals of proclamations of the President and Executive orders shall be permanently retained by the Administration as part of the National Archives of the United States. The Office shall transmit immediately to the Government Printing Office for printing, as provided by this chapter, one duplicate original or certified copy of each document required or authorized to be published by section 1505 of this title. Every Federal agency shall cause to be transmitted for filing the original and the duplicate originals or certified copies of all such documents issued, prescribed, or promulgated by the agency.

(As amended Pub. L. 95-440, § 2, Oct. 10, 1978, 92 Stat. 1063.)

AMENDMENTS

1978—Pub. L. 95-440 substituted provision for retention of original documents by the General Services Administration for prior provision for retention in the archives of the National Archives and inserted provisions dispensing with such retention when disposals are made in accordance with disposal schedules and requiring retention of original proclamations of the President and Executive orders as part of the National Archives.

§ 1505. Documents to be published in Federal Register

EX. ORD. NO. 11030. PREPARATION, PRESENTATION, FILING, AND PUBLICATION OF EXECUTIVE ORDERS AND PROCLAMATIONS

Ex. Ord. No. 11030, June 19, 1962, 27 F.R. 5847, as amended by Ex. Ord. 11354, May 23, 1967, 32 F.R. 7695; Ex. Ord. No. 12080, Sept. 18, 1978, 43 F.R. 42235, provided:

[See main edition for text of first par. and secs. 1 to 3]

SEC. 4. *Proclamations calling for the observance of special days or events.* Except as may be otherwise provided by law, responsibility for the preparation and presentation of proposed proclamations calling for the observance of special days, or other periods of time, or events shall be assigned by the Director of the Bureau of the Budget [now Director of the Office of Management and Budget] to such agencies as he may consider appropriate. Such proposed proclamations shall be submitted to the Director at least sixty days before the date of the specified observance. Notwithstanding the provisions of Section 2, the Director shall transmit any approved commemorative proclamations to the President.

[See main edition for text of secs. 5 to 7, and last par.]

§ 1509. Costs of publication, etc.

(a) The cost of printing, reprinting, wrapping, binding, and distributing the Federal Register and the Code of Federal Regulations, and, except as provided in subsection (b), other expenses incurred by the Government Printing

Office in carrying out the duties placed upon it by this chapter shall be charged to the revolving fund provided in section 309. Reimbursements for such costs and expenses shall be made by the Federal agencies and credited, together with all receipts, as provided in section 309(b).

(b) The cost of printing, reprinting, wrapping, binding, and distributing all other publications of the Federal Register program, and other expenses incurred by the Government Printing Office in connection with such publications, shall be borne by the appropriations to the Government Printing Office and the appropriations are made available, and are authorized to be increased by additional sums necessary for the purposes, the increases to be based upon estimates submitted by the Public Printer.

(As amended Pub. L. 95-94, title IV, § 408(a)(1), Aug. 5, 1977, 91 Stat. 683.)

AMENDMENTS

1977—Pub. L. 95-94 in the section catchline substituted "Costs of publication, etc." for "Cost of publication; appropriations authorized; penalty mail privilege" and in text added subsec. (a), designated former first paragraph as subsec. (b) and, in subsec. (b) as so designated, added provision restricting coverage to the other publications of the Federal Register program and struck out provision requiring payments for the Federal Register to be covered into the Treasury as miscellaneous receipts and former second paragraph relating to penalty mail privileges for the Federal Register.

EFFECTIVE DATE OF 1977 AMENDMENT

Section 408(b) of Pub. L. 95-94 provided that: "The amendments made by subsection (a) [amending this section] shall take effect on October 1, 1977."

CHAPTER 17—DISTRIBUTION AND SALE OF PUBLIC DOCUMENTS

§ 1708. Prices for sales copies of publications; crediting of receipts; resale by dealers; sales agents

The price at which additional copies of Government publications are offered for sale to the public by the Superintendent of Documents shall be based on the cost as determined by the Public Printer plus 50 percent. A discount of not to exceed 25 percent may be allowed to book dealers and quantity purchasers, but the printing may not interfere with prompt execution of work for the Government. Receipts from general sales of publications in excess of the total costs and expenses incurred in connection with the publication and sale thereof, as determined by the Public Printer, shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts.

[See main edition for text of second par.]

(As amended Pub. L. 95-94, title IV, § 409(a), Aug. 5, 1977, 91 Stat. 683.)

AMENDMENTS

1977—Pub. L. 95-94 substituted "Receipts from general sales of publications in excess of the total costs and expenses incurred in connection with the publication and sale thereof, as determined by the Public Printer," for "Surplus receipts from sales".

EFFECTIVE DATE OF 1977 AMENDMENT

Section 409(b) of Pub. L. 95-94 provided that: "The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1977."

CHAPTER 19—DEPOSITORY LIBRARY PROGRAM

Sec.
1916. Designation of libraries of accredited law schools as depository libraries.

AMENDMENTS

1978—Pub. L. 95-261, § 2, Apr. 17, 1978, 92 Stat. 199, added item 1916.

§ 1905. Distribution to depositories; designation of additional libraries; justification; authorization for certain designations

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1910 of this title; title 17 section 707.

§ 1909. Requirements of depository libraries; reports on conditions; investigations; termination; replacement

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1916 of this title.

§ 1916. Designation of libraries of accredited law schools as depository libraries

(a) Upon the request of any accredited law school, the Public Printer shall designate the library of such law school as a depository library. The Public Printer may not make such designation unless he determines that the library involved meets the requirements of this chapter, other than those requirements of the first undesignated paragraph of section 1909 of this title which relate to the location of such library.

(b) For purposes of this section, the term "accredited law school" means any law school which is accredited by a nationally recognized accrediting agency or association approved by the Commissioner of Education for such purpose or accredited by the highest appellate court of the State in which the law school is located.

(Added Pub. L. 95-261, § 1, Apr. 17, 1978, 92 Stat. 199.)

EFFECTIVE DATE

Section 3 of Pub. L. 95-261 provided that: "The amendments made by this Act [enacting this section] shall take effect on October 1, 1978."

CHAPTER 21—ARCHIVAL ADMINISTRATION

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2901, 2902, 3107 of this title.

§ 2103. Acceptance of records for historical preservation

When it appears to the Administrator of General Services to be in the public interest, he may—

[*See main edition for text of (1)*]

(2) direct and effect the transfer to the National Archives of the United States of records of a Federal agency that have been in existence for more than thirty years and determined by the Archivist of the United States to have sufficient historical or other value to warrant their continued preservation by the United States Government, unless the head of the agency which has custody of them certified in writing to the Administrator that they must be retained in his custody for use in the conduct of the regular current business of the agency;

[*See main edition for text of (3) and (4)*]

(As amended Pub. L. 95-416, § 1(a), Oct. 5, 1978, 92 Stat. 915.)

AMENDMENTS

1978—Pub. L. 95-416 substituted in cl. (2) "thirty years" for "fifty years".

§ 2104. Responsibility for custody, use, and withdrawal of records

(a) The Administrator of General Services shall be responsible for the custody, use, and withdrawal of records transferred to him. When records, the use of which is subject to statutory limitations and restrictions, are so transferred, permissive and restrictive statutory provisions with respect to the examination and use of records applicable to the head of the agency from which the records were transferred or to employees of that agency are applicable to the Administrator, the Archivist of the United States, and to the employees of the General Services Administration, respectively. Except as provided in subsection (b) of this section, when the head of a Federal agency states, in writing, restrictions that appear to him to be necessary or desirable in the public interest with respect to the use or examination of records being considered for transfer from his custody to the Administrator of General Services, the Administrator shall, if he concurs, and in consultation with the Archivist of the United States, impose such restrictions on the records so transferred, and may not relax or remove such restrictions without the written concurrence of the head of the agency from which the material was transferred, or of his successor in function, if any. In the event that a Federal agency is terminated and there is no successor in function, the Administrator is authorized to relax, remove, or impose restrictions on such agency's records when he determines that such action is in the public interest. Statutory and other restrictions referred to in this subsection shall remain in force until the records have been in existence for thirty years unless the Administrator of General of Services by order, having consulted with the Archivist and the head of the transfering Federal agency or his successor in function, determines, with respect to specific bodies of records, that for reasons consistent with standards established in relevant statutory law, such restrictions shall remain in force for a longer period. Restriction on the use or examinnation of records deposited with the National Archives of the United States imposed by section 3 of the National Archives Act, approved June 19, 1934, shall continue in force regardless of the expiration of the tenure of office of the official who imposed them but may be removed or relaxed by the Administrator with the concurrence in writing of the head of the agency from which material was transferred or of his successor in function, if any.

(b) With regard to the census and survey records of the Bureau of the Census containing data identifying individuals enumerated in population censuses, any release pursuant to this section of such identifying information contained in such records shall be made by the Administrator of General Services pursuant to the specifications and agreements set forth in the exchange of correspondence on or about the date of October 10, 1952, between the Director of the Bureau of the Census and the Archivist of the United States, together with all amendments thereto, now or hereafter entered into between the Director of the Bureau of the Census and the Archivist of the United States. Such amendments, if any, shall be published in the Register.

(As amended Pub. L. 95-416, § 1(b), Oct. 5, 1978, 92 Stat. 915.)

REFERENCES IN TEXT

Section 3 of the National Archives Act, approved June 19, 1934, referred to in subsec. (a), was classified to section 300c of former Title 44, Public Printing and Documents, and was repealed by act June 30, 1949, ch. 288, title VI, § 602(a)(32), renumbered and added Sept. 5, 1950, ch. 849, § 7(d), 64 Stat. 590.

AMENDMENTS

1978—Pub. L. 95-416 designated existing provisions as subsec. (a) and, in subsec. (a) as so designated, added provisions permitting the Administrator to relax, remove, or impose restrictions in the public interest of records of agencies which have been terminated and requiring the Administrator with regard to duration of restrictions to consult with the Archivist and the head of the transferring Federal agency or his successor in function, and substituted "thirty years" for "fifty years" and added subsec. (b).

§ 2107. Material accepted for deposit

When the Administrator of General Services considers it to be in the public interest he may accept for deposit—

[*See main edition for text of (1) and (2)*]

This section shall not apply in the case of any Presidential records which are subject to the provisions of chapter 22 of this title.

(As amended Pub. L. 95-591, § 2(b)(2), Nov. 4, 1978, 92 Stat. 2528.)

AMENDMENTS

1978—Pub. L. 95-591 enacted provision excluding Presidential records which are subject to provisions of chapter 22 of this title from application of this section.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-591 effective with respect to Presidential records created during a term of office of the President beginning on or after Jan. 20, 1981,

see section 3 of Pub. L. 95-591, set out as an Effective Date note under section 2201 of this title.

§ 2108. Presidential archival depository

[See main edition for text of (a) and (b)]

(c) When the Administrator considers it to be in the public interest, he may exercise, with respect to papers, documents, or other historical materials deposited under this section, or otherwise, in a Presidential archival depository, all the functions and responsibilities otherwise vested in him pertaining to Federal records or other documentary materials in his custody or under his control. The Administrator, in negotiating for the deposit of Presidential historical materials, shall take steps to secure to the Government, as far as possible, the right to have continuous and permanent possession of the materials. Papers, documents, or other historical materials accepted and deposited under section 2107 of this title and this section are subject to restrictions as to their availability and use stated in writing by the donors or depositors, including the restriction that they shall be kept in Presidential archival depository. The restrictions shall be respected for the period stated, or until revoked or terminated by the donors or depositors or by persons legally qualified to act on their behalf. Subject to the restrictions, the Administrator may dispose by sale, exchange, or otherwise, of papers, documents, or other materials which the Archivist determines to have no permanent value or historical interest or to be surplus to the needs of a Presidential archival depository. Only the first two sentences of this subsection shall apply to Presidential records as defined in section 2201(2) of this title.

[See main edition for text of (d) to (g)]

(As amended Pub. L. 95-591, § 2(b)(3), Nov. 4, 1978, 92 Stat. 2528.)

AMENDMENTS

1978—Subsec. (c). Pub. L. 95-591 limited the application of subsec. (c) when dealing with Presidential records.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-591 effective with respect to Presidential records created during a term of office of the President beginning on or after Jan. 20, 1981, see section 3 of Pub. L. 95-591 set out as an Effective Date note under section 2201 of this title.

§ 2111. Reports; correction of violations

REFERENCES IN TEXT

Chapter 27 of this title, referred to in subsecs. (a) and (b), was repealed by Pub. L. 95-378, § 2(a), Sept. 22, 1978, 92 Stat. 723.

§ 2113. Limitation on liability

When letters and other intellectual productions (exclusive of patented material, published works under copyright protection, and unpublished works for which copyright registration has been made) come into the custody or possession of the Administrator of General Services, the United States or its agents are not liable for infringement of copyright or analogous rights arising out of use of the materials for display, inspection, research, reproduction, or other purposes.

(As amended Pub. L. 94-553, § 105(b), Oct. 19, 1976, 90 Stat. 2599.)

AMENDMENTS

1976—Pub. L. 94-553 substituted "productions (exclusive of patented material, published works under copyright protection, and unpublished works for which copyright registration has been made) come into the custody or possession of the Administrator of General Services, the United States or its agents are not liable for infringement of copyright or analogous rights" for "productions, exclusive of material copyrighted or patented, come into the custody or possession of the Administrator of General Services, the United States or its agents are not liable for infringement of literary property rights or analogous rights".

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-553 effective Jan. 1, 1978, see section 102 of Pub. L. 94-553, set out as an Effective Date note preceding section 101 of Title 17, Copyrights.

CHAPTER 22—PRESIDENTIAL RECORDS [NEW]

Sec.
2201. Definitions.
2202. Ownership of Presidential records.
2203. Management and custody of Presidential records.
2204. Restrictions on access to Presidential records.
2205. Exceptions to restriction on access.[1]
2206. Regulations.
2207. Vice-Presidential records.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 2107 of this title.

§ 2201. Definitions

As used in this chapter—

(1) The term "documentary material" means all books, correspondence, memorandums, documents, papers, pamphlets, works of art, models, pictures, photographs, plats, maps, films, and motion pictures, including, but not limited to, audio, audiovisual, or other electronic or mechanical recordations.

(2) The term "Presidential records" means documentary materials, or any reasonably segregable portion thereof, created or received by the President, his immediate staff, or a unit or individual of the Executive Office of the President whose function is to advise and assist the President, in the course of conducting activities which relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of the President. Such term—

(A) includes any documentary materials relating to the political activities of the President or members of his staff, but only if such activities relate to or have a direct effect upon the carrying out of constitutional, statutory, or other official or ceremonial duties of the President; but

(B) does not include any documentary materials that are (i) official records of an agency (as defined in section 552(e) of title 5, United States Code); (ii) personal records;

[1] So in original. Does not conform to section catchline.

(iii) stocks of publications and stationery; or
(iv) extra copies of documents produced only for convenience of reference, when such copies are clearly so identified.

(3) The term "personal records" means all documentary materials, or any reasonably segregable portion therof [1], of a purely private or nonpublic character which do not relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of the President. Such term includes—

(A) diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal which are not prepared or utilized for, or circulated or communicated in the course of, transacting Government business;

(B) materials relating to private political associations, and having no relation to or direct effect upon the carrying out of constitutional, statutory, or other official or ceremonial duties of the President; and

(C) materials relating exclusively to the President's own election to the office of the Presidency; and materials directly relating to the election of a particular individual or individuals to Federal, State, or local office, which have no relation to or direct effect upon the carrying out of constitutional, statutory, or other official or ceremonial duties of the President.

(4) The term "Archivist" means the Archivist of the United States.

(5) The term "former President", when used with respect to Presidential records, means the former President during whose term or terms of office such Presidential records were created.

(Added Pub. L. 95-591, § 2(a), Nov. 4, 1978, 92 Stat. 2523.)

EFFECTIVE DATE

Section 3 of Pub. L. 95-591, provided that: "The amendments made by this Act [enacting this chapter, amending sections 2107 and 2108 of this title and enacting provisions set out as notes under this section] shall be effective with respect to any Presidential records (as defined in section 2201(2) of title 44, as amended by section 2 of this Act) created during a term of office of the President beginning on or after January 20, 1981."

SHORT TITLE OF 1978 AMENDMENT

For Short Title of this chapter as the "Presidential Records Act of 1978", see section 1 of Pub. L. 95-591, set out as a Short Title of 1978 Amendment note under section 101 of this title.

SEPARABILITY OF PROVISIONS

Section 4 of Pub. L. 95-591 provided that: "If any provision of this Act [enacting this chapter, amending sections 2107 and 2108 of this title and enacting provisions set out as notes under this section] is held invalid for any reason by any court, the validity and legal effect of the remaining provisions shall not be affected thereby."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2108 of this title.

[1] So in original. Probably should be "thereof".

§ 2202. Ownership of Presidential records

The United States shall reserve and retain complete ownership, possession, and control of Presidential records; and such records shall be administered in accordance with the provisions of this chapter.

(Added Pub. L. 95-591, § 2(a), Nov. 4, 1978, 92 Stat. 2524.)

§ 2203. Management and custody of Presidential records

(a) Through the implementation of records management controls and other necessary actions, the President shall take all such steps as may be necessary to assure that the activities, deliberations, decisions, and policies that reflect the performance of his constitutional, statutory, or other official or ceremonial duties are adequately documented and that such records are maintained as Presidential records pursuant to the requirements of this section and other provisions of law.

(b) Documentary materials produced or received by the President, his staff, or units or individuals in the Executive Office of the President the function of which is to advise and assist the President, shall, to the extent practicable, be categorized as Presidential records or personal records upon their creation or receipt and be filed separately.

(c) During his term of office, the President may dispose of those of his Presidential records that no longer have administrative, historical, informational, or evidentiary value if—

(1) the President obtains the views, in writing, of the Archivist concerning the proposed disposal of such Presidential records; and

(2) the Archivist states that he does not intend to take any action under subsection (e) of this section.

(d) In the event the Archivist notifies the President under subsection (c) that he does intend to take action under subsection (e), the President may dispose of such Presidential records if copies of the disposal schedule are submitted to the appropriate Congressional Committees at least 60 calendar days of continuous session of Congress in advance of the proposed disposal date. For the purpose of this section, continuity of session is broken only by an adjournment of Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the days in which Congress is in continuous session.

(e) The Archivist shall request the advice of the Committee on Rules and Administration and the Committee on Governmental Affairs of the Senate and the Committee on House Administration and the Committee on Government Operations of the House of Representatives with respect to any proposed disposal of Presidential records whenever he considers that—

(1) these particular records may be of special interest to the Congress; or

(2) consultation with the Congress regarding the disposal of these particular records is in the public interest.

(f)(1) Upon the conclusion of a President's term of office, or if a President serves consecutive terms upon the conclusion of the last term, the Archivist of the United States shall assume responsibility for the custody, control, and preservation of, and access to, the Presidential records of that President. The Archivist shall have an affirmative duty to make such records available to the public as rapidly and completely as possible consistent with the provisions of this Act.

(2) The Archivist shall deposit all such Presidential records in a Presidential archival depository or another archival facility operated by the United States. The Archivist is authorized to designate, after consultation with the former President, a director at each depository or facility, who shall be responsible for the care and preservation of such records.

(3) The Archivist is authorized to dispose of such Presidential records which he has appraised and determined to have insufficient administrative, historical, informational, or evidentiary value to warrant their continued preservation. Notice of such disposal shall be published in the Federal Register at least 60 days in advance of the proposed disposal date. Publication of such notice shall constitute a final agency action for purposes of review under chapter 7 of title 5, United States Code.

(Added Pub. L. 95-591, § 2(a), Nov. 4, 1978, 92 Stat. 2524.)

REFERENCES IN TEXT

This Act, referred to in subsec. (f)(1), means Pub. L. 95-591, Nov. 4, 1978, 92 Stat. 2523, as amended, known as the Presidential Records Act of 1978, which enacted this chapter, amended sections 2107 and 2108 of this title, and enacted provisions set out as notes under section 2201 of this title. For complete classification of this Act to the Code, see Short Title of 1978 Amendment note set out under section 101 of this title and Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2204, 2206 of this title.

§ 2204. Restrictions on access to Presidential records

(a) Prior to the conclusion of his term of office or last consecutive term of office, as the case may be, the President shall specify durations, not to exceed 12 years, for which access shall be restricted with respect to information, in a Presidential record, within one or more of the following categories:

(1)(A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) in fact properly classified pursuant to such Executive order;

(2) relating to appointments to Federal office;

(3) specifically exempted from disclosure by statute (other than sections 552 and 552b of title 5, United States Code), provided that such statute (A) requires that the material be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of material to be withheld;

(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) confidential communications requesting or submitting advice, between the President and his advisers, or between such advisers; or

(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(b)(1) Any Presidential record or reasonably segregable portion thereof containing information within a category restricted by the President under subsection (a) shall be so designated by the Archivist and access thereto shall be restricted until the earlier of—

(A)(i) the date on which the former President waives the restriction on disclosure of such record, or

(ii) the expiration of the duration specified under subsection (a) for the category of information on the basis of which access to such record has been restricted; or

(B) upon a determination by the Archivist that such record or reasonably segregable portion thereof, or of any significant element or aspect of the information contained in such record or reasonably segregable portion thereof, has been placed in the public domain through publication by the former President, or his agents.

(2) Any such record which does not contain information within a category restricted by the President under subsection (a), or contains information within such a category for which the duration of restricted access has expired, shall be exempt from the provisions of subsection (c) until the earlier of—

(A) the date which is 5 years after the date on which the Archivist obtains custody of such record pursuant to section 2203(d)(1); or

(B) the date on which the Archivist completes the processing and organization of such records or integral file segment thereof.

(3) During the period of restricted access specified pursuant to subsection (b)(1), the determination whether access to a Presidential record or reasonably segregable portion thereof shall be restricted shall be made by the Archivist, in his discretion, after consultation with the former President, and, during such period, such determinations shall not be subject to judicial review, except as provided in subsection (e) of this section. The Archivist shall establish procedures whereby any person denied access to a Presidential record because such record is restricted pursuant to a determination made under this paragraph, may file an administrative appeal of such determination. Such procedures shall provide for a written determination by the Archivist or his designee, within 30 working days after receipt of such an appeal, setting forth the basis for such determination.

(c)(1) Subject to the limitations on access imposed pursuant to subsections (a) and (b), Presidential records shall be administered in accordance with section 552 of title 5, United States Code, except that paragraph (b)(5) of that section shall not be available for purposes of withholding any Presidential record, and for the

purposes of such section such records shall be deemed to be records of the National Archives and Records Service of the General Services Administration. Access to such records shall be granted on nondiscriminatory terms.

(2) Nothing in this Act shall be construed to confirm, limit, or expand any constitutionally-based privilege which may be available to an incumbent or former President.

(d) Upon the death or disability of a President or former President, any discretion or authority the President or former President may have had under this chapter shall be exercised by the Archivist unless otherwise previously provided by the President or former President in a written notice to the Archivist.

(e) The United States District Court for the District of Columbia shall have jurisdiction over any action initiated by the former President asserting that a determination made by the Archivist violates the former President's rights or privileges.

(Added Pub. L. 95-591, § 2(a), Nov. 4, 1978, 92 Stat. 2525.)

REFERENCES IN TEXT

This Act, referred to in subsec. (c)(2), means Pub. L. 95-591, Nov. 4, 1978, 92 Stat. 2523, as amended, known as the Presidential Records Act of 1978, which enacted this chapter, amended sections 2107 and 2108 of this title, and enacted provisions set out as notes under section 2201 of this title. For complete classification of this Act to the Code, see Short Title of 1978 Amendment note set out under section 101 of this title and Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2205, 2206 of this title.

§ 2205. Exceptions to restricted access

Notwithstanding any restrictions on access imposed pursuant to section 2204—

(1) the Archivist and persons employed by the National Archives and Records Service of the General Services Administration who are engaged in the performance of normal archival work shall be permitted access to Presidential records in the custody of the Archivist;

(2) subject to any rights, defenses, or privileges which the United States or any agency or person may invoke, Presidential records shall be made available—

(A) pursuant to subpena or other judicial process issued by a court of competent jurisdiction for the purposes of any civil or criminal investigation or proceeding;

(B) to an incumbent President if such records contain information that is needed for the conduct of current business of his office and that is not otherwise available; and

(C) to either House of Congress, or, to the extent of matter within its jurisdiction, to any committee or subcommittee thereof if such records contain information that is needed for the conduct of its business and that is not otherwise available; and

(3) the Presidential records of a former President shall be available to such former President or his designated representative.

(Added Pub. L. 95-591, § 2(a), Nov. 4, 1978, 92 Stat. 2527.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2206 of this title.

§ 2206. Regulations

The Archivist shall promulgate in accordance with section 553 of title 5, United States Code, regulations necessary to carry out the provisions of this chapter. Such regulations shall include—

(1) provisions for advance public notice and description of any Presidential records scheduled for disposal pursuant to section 2203(f)(3);

(2) provisions for providing notice to the former President when materials to which access would otherwise be restricted pursuant to section 2204(a) are to be made available in accordance with section 2205(2);

(3) provisions for notice by the Archivist to the former President when the disclosure of particular documents may adversely affect any rights and privileges which the former President may have; and

(4) provisions for establishing procedures for consultation between the Archivist and appropriate Federal agencies regarding materials which may be subject to section 552(b)(7) of title 5, United States Code.

(Added Pub. L. 95-591, § 2(a), Nov. 4, 1978, 92 Stat. 2527.)

§ 2207. Vice-Presidential records

Vice-Presidential records shall be subject to the provisions of this chapter in the same manner as Presidential records. The duties and responsibilities of the Vice President, with respect to Vice-Presidential records, shall be the same as the duties and responsibilities of the President under this chapter with respect to Presidential records. The authority of the Archivist with respect to Vice-Presidential records shall be the same as the authority of the Archivist under this chapter with respect to Presidential records, except that the Archivist may, when the Archivist determines that it is in the public interest, enter into an agreement for the deposit of Vice-Presidential records in a non-Federal archival depository. Nothing in this chapter shall be construed to authorize the establishment of separate archival depositories for such Vice-Presidential records.

(Added Pub. L. 95-591, § 2(a), Nov. 4, 1978, 92 Stat. 2527.)

CHAPTER 23—NATIONAL ARCHIVES TRUST FUND BOARD

§ 2301. Establishment of Board; membership

The National Archives Trust Fund Board shall consist of the Archivist of the United States, as Chairman, and the Secretary of the Treasury and the Chairman of the National Endowment for the Humanities. The authority of the Administrator of General Services under section 754 of title 40 to regroup, transfer, and distribute functions within the General Serv-

ices Administration does not extend to the Board or its functions. Membership on the Board is not an office within the meaning of the statutes of the United States.

(As amended Pub. L. 95-379, Sept. 22, 1978, 92 Stat. 724.)

AMENDMENTS

1978—Pub. L. 95-379 substituted references to the Secretary of the Treasury and the Chairman of the National Endowment for the Humanities, for references to the chairman of the House Committee on Government Operations and the Senate Committee on Post Office and Civil Service.

CHAPTER 25—NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2111, 2901, 3107 of this title.

[CHAPTER 27—REPEALED]

[§ 2701. Repealed. Pub. L. 95-378, § 2(a), Sept. 22, 1978, 92 Stat. 723]

Section, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1295, established the Federal Records Council and set forth the composition, compensation, etc., of such Council.

ABOLITION OF FEDERAL RECORDS COUNCIL

Pub. L. 95-378, § 1, Sept. 22, 1978, 92 Stat. 723, provided: "That the Federal Records Council is hereby abolished."

CHAPTER 29—RECORDS MANAGEMENT BY ADMINISTRATOR OF GENERAL SERVICES

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2111, 2112, 3107 of this title.

§ 2901. Definitions

REFERENCES IN TEXT

Chapter 27 of this title, referred to in text preceding cl. (1), was repealed by Pub. L. 95-378, § 2(a), Sept. 22, 1978, 92 Stat. 723.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3102 of this title; title 17 section 704.

CHAPTER 31—RECORDS MANAGEMENT BY FEDERAL AGENCIES

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2111, 2112, 2901, 2902, 3107 of this title.

§ 3102. Establishment of program of management

REFERENCES IN TEXT

Section 2701 of this title, referred to in cl. (1), was repealed by Pub. L. 95-378, § 2(a), Sept. 22, 1978, 92 Stat. 723.

§ 3107. Authority of Comptroller General

REFERENCES IN TEXT

Chapter 27 of this title, referred to in text, was repealed by Pub. L. 95-378, § 2(a), Sept. 22, 1978, 92 Stat. 723.

CHAPTER 33—DISPOSAL OF RECORDS

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1503, 2111, 2112, 2901, 2902 of this title; title 5 section 552b.

§ 3303a. Examination by Administrator of General Services of lists and schedules of records lacking preservation value; disposal of records

[See main edition for text of (a)]

(b) Authorizations granted under lists and schedules submitted to the Administrator under section 3303 of this title, and schedules promulgated by the Administrator under subsection (d) of this section, shall be mandatory, subject to section 2909 of this title. As between an authorization granted under lists and schedules submitted to the Administrator under section 3303 of this title and an authorization contained in a schedule promulgated under subsection (d) of this section, application of the authorization providing for the shorter retention period shall be required, subject to section 2909 of this title.

[See main edition for text of (c)]

(d) The Administrator shall promulgate schedules authorizing the disposal, after the lapse of specified periods of time, of records of a specified form or character common to several or all agencies if such records will not, at the end of the periods specified, have sufficient administrative, legal, research, or other value to warrant their further preservation by the United States Government. A Federal agency may request changes in such schedules for its records pursuant to section 2909 of this title.

[See main edition for text of (e) and (f)]

(As amended Pub. L. 95-440, § 1, Oct. 10, 1978, 92 Stat. 1063.)

AMENDMENTS

1978—Subsec. (b). Pub. L. 95-440, § 1(a), made the schedules promulgated by the Administrator under subsec. (d) of this section mandatory; added provision for application of the authorization providing for the shorter retention period as between an authorization granted under lists and schedules submitted under section 3303 of this title and an authorization in a schedule promulgated under subsec. (d) of this section; and struck out former provision making permissive authorizations granted under subsec. (d) schedules.

Subsec. (d). Pub. L. 95-440, § 1(b), (c), substituted "shall" for "may" in first sentence and authorized Federal agencies to request changes in disposal schedules for its records pursuant to section 2909 of this title.

CHAPTER 35—COORDINATION OF FEDERAL REPORTING SERVICES

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 29 section 829; title 42 section 292h.

§ 3502. Definitions

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3510, 3512 of this title; title 20 section 1221-3; title 30 section 1211.

§ 3509. Plans or forms for collecting information; submission to Director; approval

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3510 of this title; title 20 section 1221-3; title 42 section 242k.

§ 3512. Information for independent regulatory agencies

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 30 section 1211.